

SUPREME COURT OF THE UNITED STATES

PENNSYLVANIA *v.* THOMAS A. BRUDER, JR.

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPERIOR
COURT OF PENNSYLVANIA, PHILADELPHIA OFFICE

No. 88-161. Decided October 31, 1988

PER CURIAM.

Because the decision of the Pennsylvania Superior Court in this case is contrary to *Berkemer v. McCarty*, 468 U. S. 420 (1984), we grant the petition for a writ of certiorari and reverse.

In the early morning of January 19, 1985, Officer Steve Shallis of the Newton Township, Pennsylvania, Police Department observed Bruder driving very erratically along State Highway 252. Among other traffic violations, he ignored a red light. Shallis stopped Bruder's vehicle. Bruder left his vehicle, approached Shallis, and when asked for his registration card, returned to his car to obtain it. Smelling alcohol and observing Bruder's stumbling movements, Shallis administered field sobriety tests, including asking Bruder to recite the alphabet. Shallis also inquired about alcohol. Bruder answered that he had been drinking and was returning home. Bruder failed the sobriety tests, whereupon Shallis arrested him, placed him in the police car and gave him *Miranda* warnings. Bruder was later convicted of driving under the influence of alcohol. At his trial, his statements and conduct prior to his arrest were admitted into evidence. On appeal, the Pennsylvania Superior Court reversed, 365 Pa. Super. 106, 528 A. 2d 1385 (1987), on the ground that the above statements Bruder had uttered during the roadside questioning were elicited through custodial interrogation and should have been suppressed for lack of *Miranda* warnings. The Pennsylvania Supreme Court denied the State's appeal application.

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In *Berkemer v. McCarty*, *supra*, which involved facts strikingly similar to those in this case, the Court concluded that the "noncoercive aspect of ordinary traffic stops prompts us to hold that persons temporarily detained pursuant to such stops are not 'in custody' for the purposes of *Miranda*." *Id.*, at 440. The Court reasoned that although the stop was unquestionably a seizure within the meaning of the Fourth Amendment, such traffic stops typically are brief, unlike a prolonged station house interrogation. Second, the Court emphasized that traffic stops commonly occur in the "public view," in an atmosphere far "less 'police dominated' than that surrounding the kinds of interrogation at issue in *Miranda* itself." *Id.*, at 438-439. The detained motorist's "freedom of action [was not] curtailed to 'a degree associated with formal arrest.'" *Id.*, at 440 (citing *California v. Beheler*, 463 U. S. 1121, 1125 (1983).) Accordingly, he was not entitled to a recitation of his constitutional rights prior to arrest, and his roadside responses to questioning were admissible.¹

The facts in this record, which Bruder does not contest, reveal the same noncoercive aspects as the *Berkemer* detention: "a single police officer ask[ing] respondent a modest number of questions and request[ing] him to perform a simple balancing test at a location visible to passing motorists." 468 U. S., at 442 (footnote omitted).² Accordingly,

¹We did not announce an absolute rule for all motorist detentions, observing that lower courts must be vigilant that police do not "delay formally arresting detained motorists, and . . . subject them to sustained and intimidating interrogation at the scene of their initial detention." *Berkemer v. McCarty*, 468 U. S. 420, 440 (1984).

²Reliance on the Pennsylvania Supreme Court's decision *Commonwealth v. Meyer*, 488 Pa. 297, 412 A. 2d 517 (1980), to which we referred in *Berkemer*, see 468 U. S., at 441, and n. 34, is inapposite. *Meyer* involved facts which we implied might properly remove its result from *Berkemer*'s application to ordinary traffic stops; specifically, the motorist in *Meyer* could be found to have been placed in custody for purposes of *Miranda* safeguards because he was detained for over one-half an hour, and subjected to questioning while in the patrol car. Thus, we acknowledged

Berkemer's rule, that ordinary traffic stops do not involve custody for purposes of *Miranda*, governs this case.¹ The judgment of the Pennsylvania Superior Court that evidence was inadmissible for lack of *Miranda* warnings is reversed.

Meyer's relevance to the unusual traffic stop that involves prolonged detention. We expressly disapproved, however, the attempt to extrapolate from this sensitivity to uncommon detention circumstances any general proposition that custody exists whenever motorists think that their freedom of action has been restricted, for such a rationale would eviscerate *Berkemer* altogether. See *Berkemer*, *supra*, 436-437.

¹We thus do not reach the issue of whether recitation of the alphabet in response to custodial questioning is testimonial and hence inadmissible under *Miranda v. Arizona*, 384 U. S. 436 (1966).